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ABSTRACT

Federal and State public policy aimed at educational improvement consists of many individually designed and implemented programs, including Title I. The Department of Health, Education, and Welfare (HEW) develops and disseminates Title I policies and guidelines and provides direction to States and local districts through monitoring and enforcement activities. In its study of Title I administration, the National Institute of Education (NIE) examined Federal performance of these two roles. NIE concluded that the present approach is basically sound, but identified several deficiencies. The legal framework is not sufficiently clear to meet the needs of Title I directors, nor do States have a total picture of Federal policy. These problems are exacerbated by inconsistencies in the way that the Office of Education (USOE) and HEW Audit Agency monitor and enforce the legal framework. In addition, States vary considerably in the way they undertake their Title I responsibility. NIE has nonetheless identified common themes that promote the administration of the program: (1) the distinction between the funds allocation requirements and the legal provisions concerning program development; (2) the emergence of a core group of Title I administrators who are dedicated to serving disadvantaged children; and (3) the importance of federal administrative activity for the entire Title I program. However, USOE and the States must find ways of assisting local districts if Title I is to meet the needs of educationally disadvantaged children from low income areas. (Author/MC)

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From Congressional Intent to Local Program Delivery: Present Reality in the Administration of Title I, ESEA

Donald W. Burnes and Richard L. Moss

The language that we use to describe America's urban core suggests an impending retreat. Phrases like blighted and decaying spaces, fiscal crises and economic collapse, centers of violent crime and underworld supremacy, feelings of fear and alienation have all been used to describe our nation's cities. In planning social services for urban areas, moreover, some state and federal officials wonder if city residents should not expect even less.

And yet, even a cursory observation about the quality of life in urban areas suggests that more social services, not fewer, are necessary if we are to stem the tide of retreat, if we are to revitalize our cities. This is especially true in education, where urban children are daily discovering that their life chances have been diminished by an educational system that inadequately prepares them for participation in American society.

Despite the strident calls for increased and improved educational services in the cities of our nation, clear and feasible panaceas remain undiscovered. Discussion about upgrading urban education continues to move between visionary and nostalgic solutions. Some critics link the reform of urban education to metropolitan strategies. From their perspective, they hope to counter the effects of resegregation and poverty by enlarging the boundaries of America's cities. Other reformers suggest that such solutions would only heighten the urban child's feelings of alienation and anomie. Instead, they argue for more redistributive school financing schemes, and they emphasize building the capacity of local communities to manage schools. These advocates of debureaucratization locate the essential crises in urban education in the impoverishment and unresponsiveness of large school systems. Still other analysts of urban education suggest that transformations of local school districts can come about through greater participation of teachers and principals designing and implementing school programs, rather than through changes in the fiscal or formal governance structures.

Because the society has not resolved the debate about how to create change in education and about what the goals of the educational system should be, federal and state public policy aimed at educational improvement continues to consist of a large number of individually designed and implemented programs. Many of these are aimed at the educational needs of specific target groups in the American educational scene.

One of the most important of these categorical programs is Title I of the Elementary and Secondary Education Act (ESEA). Since its enactment in 1965 as part of President Johnson's Great Society, Title I has provided educational services to well over 45 million disadvantaged children, at a cost of more than $16 billion. In Fiscal Year 1977 alone, Title I allocations totaled $2,050,000,000, over 75 percent of which went, under Part A of the legislation, to local school districts. Title I is presently the largest program administered by the U.S. Office of Education, accounting for about one-fourth of that agency's budget. Through its funding, Title I has established the special educational needs of disadvantaged children as one of the nation's priorities.

The urban cores have been one of the primary beneficiaries of Title I funding. In FY 1977, for example, central cities received $633 million or almost 40 percent of the total Part A funding for that year. The 56 central city areas in excess of 250,000 population (as of 1970) received $461 million, over 25 percent of Part A funding.

Title I is more than just a general program of grants to school districts. It is designed to address certain kinds of problems facing the nation's schools and school children, including those in urban areas. Program funds are aimed at those districts and schools with high concentrations of low-income families. Within those districts and schools, Title I funds are to be used for providing additional, sup-

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plementary services to educationally disadvantaged children. The services are intended to meet the needs of these children in such a way that their educational performance can be raised to a level appropriate for their age.[1] But the legislation articulating these goals is not self-executing; therefore, structures must be established to ensure that Title I funds are used as Congress intended.

In developing the management structure for Title I, Congress has utilized the full intergovernmental system. The federal government, through the Department of Health, Education, and Welfare (HEW), distributes funds and establishes rules and regulations governing the use of those funds. The U.S. Office of Education (USOE) and the HEW Audit Agency (HEWAA) play active roles in monitoring, auditing, and evaluating programs.

State Educational Agencies (SEAs) distribute funds below the county level. Since they also have the major responsibility for direct approval and oversight of district activities, they exercise substantial influence over local Title I programs.

Decisions about which children in which schools are to receive what kinds of services are actually made and carried out by Local Educational Agencies (LEAs)* after consideration of the direction given by HEW and the SEA.

Previous studies have noted the ways in which the performance of these federal and state functions affect local programs. A 1976 report by Peat, Marwick, Mitchell & Co. documents the consequences of federal funding cycles for local programs.[2] Several studies have examined the effects of federal efforts to perform the rulemaking and monitoring and enforcement functions.[3] A recent internal HEW report about Title I monitoring and enforcement underscores the importance of activity in these areas.[4] Milbrey McLaughlin's study of Title I evaluations highlights the importance of this federal management function.[5] Other studies have also examined the state role in Title I administration.[6]

As part of its Congressionally mandated Compensatory Education Study, the National Institute of Education (NIE) has elaborated and clarified many of the major themes of the earlier analyses through an extensive examination of state and federal efforts to administer Title I.[7] A number of NIE's findings have already been reported to Congress for use in its deliberations on the reauthorization of Title I. This paper summarizes many of the relevant findings of that report.[8] However, we include a wider range of topics than did the report to Congress, particularly an analysis of state administration and the impact of federal and state administrative efforts on local districts.

In the next section of the paper, we discuss federal Title I administration, and focus on HEW's activity in rulemaking and monitoring and enforcement. The following section on state administration examines some of the similarities and differences in the ways states manage Title I and the implications of these strategies for local districts, particularly urban areas.

Federal Administration of Title I

As we have said, Title I is not a simple grant-in-aid program to local districts. Funds are intended to provide educational programs for educationally disadvantaged children in low-income areas.

In order to accomplish the program's goals, federal officials in HEW develop and disseminate program policies and guidelines. They also monitor and enforce their implementation. Through the performance of these functions, federal officials provide direction to states and districts about who should receive Title I services, how these services are to be delivered, and under what circumstances.

In its rulemaking function, the federal government has created a legal framework for the implementation of Title I. This framework consists of the legislation, as amended, the formal regulations and guidelines developed by the Department to implement the statute, and the interpretive statements issued by the USOE which elaborate and clarify the statute, the regulations, and the guidelines. The framework also contains requirements concerning how local districts should implement the program, provisions regarding state administration of the program, and requirements relating to federal administrative practices.

A second way in which the federal government provides direction to states and local districts is through its monitoring and enforcement activities. Both the USOE program office (the Division of Education for the Disadvantaged) and the HEWAA staff (program reviews and audits) visit states and districts to verify that local programs are being administered as intended and that states are performing their administrative responsibilities. In cases where a state or district is found to be out of compliance with the legal provisions, USOE can exercise its enforcement function and penalize districts by withholding funds.

As part of its study of Title I administration, NIE examined federal performance of these two roles. An NIE contractor, the Lawyers' Committee for Civil Rights Under Law, conducted a Survey of Legal Standards in which it examined the Title I legal framework in detail. Staff of the Institute have been carrying out an examination of federal monitoring and enforcement efforts.

*Some Title I programs are administered at the state level. These are for migrant, handicapped, and neglected and delinquent children.

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General Findings

As a result of the examination of the legal framework and the analysis of monitoring and enforcement efforts, the Compensatory Education Study staff has concluded that the present approach of the federal government to managing Title I is basically sound.

Congress and HEW have created a legal framework governing Title I that is reasonably effective in assuring that Title I money is being used as Congress intends. In fact, based on a number of interviews at the state and local levels, it appears that some of these regulations are necessary if local districts are to withstand the strong pressures facing them to use Title I dollars for general or for other noncategorical purposes.

The present federal management strategies provide direction through monitoring and enforcement. This effective system consists of:

> Program review visits to a few districts each year, and fiscal [and compliance] audits in a few others. The results of these site visits and audits can provide guidance even to districts which are not visited. This system does not require massive federal enforcement, and it does not place heavy burdens on the states or LEAs.*

Despite the basic soundness of the federal management system, NIE's research has identified several significant deficiencies in federal Title I administration. Some of these relate to the development and dissemination of the legal framework; others concern federal monitoring and enforcement activities.

Federal Title I

The legal framework is a vital mechanism by which the federal government articulates its rules and policies and its interpretations to states and districts. Given its centrality in the federal effort to provide direction, it is important that the framework be clear to those who must use it and sufficiently disseminated to those who have need of it.

Before assessing the clarity of the framework and the extent of its dissemination, a brief review of the major aspects is important. First, there are provisions governing federal and state administrative activity.*

In addition, there are fourteen major program requirements for local school districts. Eight of these are what we have called *funds allocation* requirements. They are intended to ensure that Title I funds are used for the intended beneficiaries and that state and local funds are distributed so that Title I dollars actually add to expenditures for the target population. The six *program development* requirements establish the nature of services to be provided at the local level and procedures for guaranteeing their quality.

Of the eight major funds allocation requirements, two—*eligibility* and *targeting*—are concerned with the selection of schools and students who are to benefit from Title I. The other six are intended to ensure that Title I funds are used to provide special services for the intended beneficiaries. These requirements are: *general aid, maintenance of effort, comparability*, the *supplement, not supplant, excess costs*, and the *equitably provided* provisions.[10]

The *program development* requirements are intended to ensure that the needs of the target children are addressed and that the programs are carefully planned, implemented, and evaluated. These provisions include *needs assessment, program design, concentration* of fiscal effort, *coordination* with other federal and state programs, *program evaluation*, and *parent involvement*.[11]

In its analysis of the legal frameworks, NIE drew several important conclusions about the federal efforts to perform its rulemaking function. First, the legal framework is consistent. None of the regulations or statements of interpretive policy conflict with each other or with the language of the statute.

However, the legal framework, as it presently stands, is not sufficiently clear to meet the needs of its audiences. A great deal of time, legal scholarship, and experience are required to understand it. Many Title I directors have not had sufficient time to study the legal framework; for them, it is frequently difficult to comprehend all the regulations and the interpetations of them.

The U.S. Office of Education has tried to clarify the legal framework by providing individual interpretative response to questions raised by the states and districts. These interpretations may help resolve individual problems, and taken together, they provide clear and unambiguous guidance. However, the U.S. Office of Education has not collected or disseminated these answers in a single volume since 1968. Thus, states do not always have a total picture of the general direction of federal policy, although they do receive guidance about particular points.

This situation has had important implications in the field. For example, NIE interviews identified a number of areas where state and local officials lacked clear understanding of the requirements. Some of the funds allocation provisions, such as those governing supplanting and student targeting, created confusion. And yet, because the funds allocation rules, in many cases, impose exacting requirements on LEAs, these requirements are generally clearer and more precise than the program development requirements.

The program development requirements are less clear. For example, ambiguous provisions relating to needs assessment, evaluation, and parent involvement can create problems. From the perspective of state and local officials, the federal government has not provided clear and consistent guidance in the actual planning of programs.

An unfortunate consequence of the lack of clarity and of inadequate dissemination is that some states and local districts have developed very conservative interpretations of the legal framework. Because the states and districts do not understand the flexibility they legally have in designing programs and because they are afraid of approving illegal programs, the tendency has been to adopt policies that are overly restrictive and that may impede the development of sound and innovative programs. Furthermore, because states have had to spend so much time trying to understand the legal framework, they have been able to spend less time assisting local districts in developing programs.

Monitoring and Enforcement

The problems created by the lack of clarity and inadequate dissemination of the legal framework are exacerbated by inconsistencies in the way that USOE and HEWAA monitor and enforce the Title I legal framework.

When NIE examined federal efforts to manage the re-

*A brief discussion of some of these requirements is contained in a later discussion of state administration.

quirements that districts not use Title I funds to replace the regular instruction of Title I children, they found that officials in USOE may apply differing standards. These differing standards reflect various interpretations of the appropriate federal role in guaranteeing the supplementary nature of Title I. Some officials, inclined to view Title I as essentially a means of distributing funds to districts, do not believe the federal government should ensure that the funds provide services for specific children. Others argue vigorously that every effort must be made to ensure that Title I children receive additional, supplementary services.

Because of this internal conflict within USOE, federal efforts to monitor and enforce these provisions have declined, and states and districts are continuing to receive unclear and inconsistent direction.

The federal government also provides inconsistent direction in its monitoring and enforcement effort because of the lack of coordination between the U.S. Office of Education and other parts of HEW in the efforts to verify state and local compliance through audits.[12]

Title I audits are conducted by the HEW Audit Agency, an organizational unit within the Department, but outside of the U.S. Office of Education. Because of the formal organizational relationship of the Audit Agency to the General Accounting Office (GAO) and because many HEWAA auditors were former members of the GAO staff, GAO and the policies of that organization have had a major impact on how HEW auditors view their role. Auditors tend to see themselves as management analysts. Through careful analysis of state and local management activity, they hope to identify ways of improving Title I management.

The USOE views the auditors in a very different way. From USOE's point of view, auditors police the system by uncovering abuses.

This distinction is highlighted by the following illustration. Based on a program review visit to one state, OE officials identified an instance of obvious abuse of the regulations. They requested that the Audit Agency do an audit of that state to identify formally an audit exception and thus to start the process toward possible recovery of misspent funds. A senior Audit Agency official responded by saying, "Why should we have to do an audit when USOE already knows what the problem is? Why can't they handle their own problems?" From the auditors' perspective, this audit would not result in more information useful for improved USOE management.

In an effort to ascertain whether Title I programs are meeting Congressional intent, auditors read legislative histories, statutory requirements, and other documents comprising the legal framework. This reading leads to a conception of the program's intent, and from this understanding of intent, the auditors are able to concentrate upon those areas most essential to achieving their own conception of the program's ultimate goals.

The auditor's interpretation of the goals of the program or of individual regulutions is not always consistent with that of USOE. This lack of consistency is increased in those cases where OE has been unable to articulate a consistent interpretation, such as the case described earlier. In fact, some auditors are very critical of OE management because of these inconsistent OE interpretations.

Because of these differences between the Audit Agency and USOE about the proper and appropriate role of the auditors and about interpretations of legislative intent and regulatory requirements, audit activity in Title I appears to be declining. Auditors are less likely to conduct Title I audits; in one region, no new Title I audits have been scheduled for three years. When audits are done, auditors are increasingly inclined to substitute procedural findings for financial ones.

Although the overall federal administrative structure for Title I may be sound, we have noted several ambiguous areas. The legal framework is not sufficiently clear, and the clarifying interpretations have not been disseminated adequately. Conflicts within USOE about standards to use in monitoring and enforcement have added to the confusion. Inconsistent coordination between USOE and HEWAA has further hampered the Department's efforts to monitor and enforce Title I.

There is some indication that improvements are being made. As we have noted, a draft policy dealing with the supplementary nature of the program should provide a consistent USOE position on this issue. USOE has also drafted a policy manual that would provide a more comprehensive and understandable description of the legal framework, including examples of how to implement programs within the regulatory structure. Further improvement in federal management will depend on clarifying this interaction between USOE and the HEWAA.

State Administration

States play an important role in the administration of Title I. They can add regulatory provisions governing the implementation of the program that are not inconsistent with the federal legal framework. They exercise approval authority over LEA program applications. They are responsible for direct oversight of local activities through state monitoring and enforcement efforts. During the school year, states work with districts to provide them with assistance in technical matters.

Because of their place in the intergovernmental structure, states often find themselves in an ambiguous position. They are legally required to implement Congressional policy in Title I through managing district implementation. At the same time, their primary allegiance is to state educational policies rather than to federal ones. Furthermore, states frequently can provide only limited direction to LEAs and thus must rely on negotiation and persuasion in their dealings with districts. Within this administrative context, there are very real limits on the degree of influence that federal management can exert.

Differences among the States

Because of these limits and the basic diversity among states, it is not surprising that NIE found substantial varia-

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tion among the states in the way their SEAs managed Title I. In the area of state rulemaking, for example, some states have developed an extensive set of state regulations regarding Title I direction, while others have added no additional provisions to the federal legal framework.

Some states monitor district activities vigorously, paying site visits to every district at least once every two years. Others make substantially less effort to verify local program implementation. One state, for example, sent state monitors to less than 5 percent of its Title I districts.

In the area of state dissemination and technical assistance, there is also considerable variation in state activity. NIE's report summarized these research results:

> On the average, States sent seven general information mailings to every LEA in Fiscal Year 1976. However, some States reported no mailings, while others reported as many as 30.
>
> During the same period, some States held no conferences to disseminate information to districts of the regulations, on application procedures, or on model Title I programs. On the other hand, one State reported 500 such conferences during Fiscal Year 1976. The average number of conferences in a State was 22. Individual visits to school districts in Fiscal Year 1976 also varied: one State reported having conducted over 1,000 of these visits; another reported none. States averaged approximately 125 individual vists to districts.[3]

These quantitative indicators of state management activity frequently reflect differences among the SEAs in their more general attitudes towards Title I management. NIE data suggest that some states want to minimize their involvement in the Title I implementation process, intervening only where necessary. Others are extensively concerned about ensuring that local programs meet federal rules and regulations, to the virtual exclusion of more programmatic concerns. Still others have taken an active interest in trying to develop and promote sound and innovative approaches to providing services to children, though, in some cases, not always mindful of the total federal legal framework.

NIE's research has identified a number of factors that help to explain this substantial variation in state Title I administrative practices. Some of these factors stem directly from the nature of the federal influence in the administrative structure; others reflect the state context in which Title I administration takes place.

The first factor is the lack of clarity in the federal legal framework. Not only are requirements for local districts unclear, but state administrative responsibilities are not always clearly defined, either in the legislation or in the regulations and guidelines. Frequently, these responsibilities are only implied in the federal legal framework. For example, the authority of states to issue their own rules supplementing the federal provisions is not clearly stated. SEA authority to enforce some of the Title I requirements, particularly the authority to suspend or withhold funds from LEAs, is also not clearly spelled out in the federal framework. Furthermore, there are not clear standards for conducting fiscal and compliance audits. As a consequence of this lack of clarity, states have developed widely different administrative policies and, in some cases, have not fulfilled all of their administrative responsibilities.

The second factor is the great variation in size of staff. NIE found in its survey of 46 state Title I offices that the number of full-time equivalent professional staff ranged from 2 to 58 (the average was 11), and the nonprofessional staff ranged from 1 to 43 (the average was 7).

There appear to be three reasons for these differences in staffing. (1) States vary in the absolute size of the administrative set-aside.* Three states received over $1 million in state administrative funds, but most receive less. In fact, fourteen of the sample states received the floor amount of $150,000 in FY 1976. (2) The amount of state administrative funding per Title I district varies substantially. Although on the average, states had almost $2,700 in administrative funds per Title I district, one state had only $343 per district, while another had over $13,000. (3) States also vary considerably in the relative emphasis they place on using administrative funds to hire staff. NIE data suggest that some states spend less than 50 percent of their resources on staff while others spend over 90 percent.

These differences in staffing and their effect on administrative activity are even more important when one recalls that considerable amounts of time must be spent in trying to understand the federal legal framework. The very limited staff in some states are faced with the practical choice of spending their time either comprehending the legal framework or administering it without fully understanding it.

The clarity of the definition of state responsibilities and the availability of resources are both areas over which the federal government can exercise considerable influence. However, as NIE's Study of State Administration has indicated, the general stance that a state takes regarding its involvement in local educational issues also affects the vigor of state Title I administrative activity.

This stance frequently reflects the state's tradition about local control of education. In some states, there is a long and strong tradition of local automony in educational matters. In these states, SEAs play a relatively less active role in establishing state requirements and in trying to develop and shape local educational practice. State Title I administrative activity is correspondingly less vigorous.

In other states, the state government has been actively involved in educational matters. Legislatures have passed significant pieces of educational legislation; SEAs have been forceful in developing state educational requirements; and state staff have been active in administering other federal and state programs. In a few of these states, for example, state-funded programs in compensatory education have been in existence for a number of years.

NIE's research suggests that state Title I directors take a strong role in administering the legal framework and in shaping local Title I services in these states. If disputes arise between state officials and local district personnel, state Title I directors are more likely to enjoy the full and active support of the Chief State School Officer. NIE data also indicate that Title I programs in these states are frequently more compliant with the federal legal framework.

As we have suggested, states vary considerably in the way they undertake their Title I administrative responsibilities. We have also identified a number of reasons that appear to contribute to these differences. The legal framework defining their responsibilities is not clear. The availability of resources and the use they make of the resources they do have differ among the states. Finally, the state's posture toward involvement in local educational affairs shapes the way states carry out Title I administrative duties.

*The actual amount is set by statute. Currently, states are entitled to 1 percent of their Title I allocation or $150,000, whichever is greater.

Common Themes in Title I Administration

Despite the deficiencies in the federal efforts to administer Title I and the wide variations among the states in their approach to Title I administration, NIE's research on administration has identified certain common themes that promote the administration of this program.

The first of these themes is the important distinction between the funds allocation requirements and the legal provisions concerning program development. As was suggested earlier, part of this distinction can be traced to the basic function of the two sets of requirements. The funds allocation requirements are intended to guarantee that Title I dollars will be used for the special purposes which Congress intended. Without these regulations, LEAs would be hardpressed to withstand the pressure to use Title I funds for more general purposes. Because these requirements have developed over time to address specific local fiscal problems, they are clearer than the program development provisions, and they impose more exacting requirements on districts and create more rigorous standards for compliance.

The program development requirements, on the other hand, are meant to establish the nature of the Title I services to be provided and to create a sound planning and implementation process. They are also generally less precise than the funds allocation requirements and contain less rigorous standards for compliance. Although they do represent a plausible effort to guide LEAs in implementing Title I, LEAs will not necessarily develop effective programs by following these to the letter.

Both federal and state efforts to monitor and enforce compliance and to provide technical assistance have focused much greater attention on the funds allocation provisions; in this area they have had greater impact on local practice. Federal program reviews and audits have focused on issues of funds allocation, because the integrity of Title I depends on targeted schools providing supplementary services to target children. The federal perspective sets a tone for state and district management.

States and districts have followed the federal lead by focusing closely on funds allocation issues. Even those states which are less active in other Title I administrative functions have monitored and enforced funds allocation requirements.

In contrast, even after more than a decade of experience with Title I, many of the program development requirements are neglected in Title I administrative efforts. Federal attention, particularly among the auditors, is often limited in these areas. Of the eight states in the nine case studies on state administration, only three actively stressed any of these requirements. Characteristically, at the local level, needs assessment and evaluation activities are seen as the production of technical reports to fulfill bureaucratic requirements. Parent Advisory Councils (PACs) have not been developed in ways that enable them to design innovative approaches to compensatory education.

Despite the variation among the states in how they administer Title I and the differences in administrative activity between the funds allocation requirements and those in the program development area, NIE's research on state administration did identify certain specific administrative activities that appear to be important for effective state management of the program.

One of these activities is staff attention to the application process as a vehicle for providing direction to local districts. NIE field interviews indicate that by providing careful assistance to LEAs in completing the application and by reviewing it thoroughly SEAs can increase the probability that high quality services are being provided at the local level. Furthermore, when the application process is thorough, the states have a valuable document for review purposes.

In addition, state efforts to clarify and disseminate the federal legal framework as well as any additional state requirements have a substantial impact on the degree of local compliance. Data suggest that when state staff provide adequate explanation to local administrators about legally acceptable and unacceptable practices, local districts are less likely to experience difficulties with compliance. Effective dissemination activities are often complemented by personal interaction between state and local Title I administrators. The participation of state staff in such activities as application workshops and intensive on-site technical assistance visits can lead to more consistently and effectively managed local programs.

Not surprisingly, these observations suggest that the types of administrative activities with greatest impact on the local level are those which require intensive staff effort. As one might expect, those states with greater numbers of staff are in a position to administer Title I more effectively.

Our data indicate, however, that states with large numbers of staff are not always the most effective in managing Title I. Some states effectively administer the program although they have limited staff. Other states, with relatively large numbers of staff, carry out few of these staff-intensive activities.

There is another theme in Title I administration that cuts across all three levels of the administrative structure and is characteristic of many states and local districts. This is the gradual emergence of a core group of Title I administrators who are dedicated to the goal of serving disadvantaged children. NIE researchers were struck, throughout their interviews, by the congruence between stated goals of administrators and those contained in the legislation.

Many of these administrators have spent much of their recent careers in the program. At the state level alone, NIE survey data indicate that the average Title I director has been with the program for eight years. Approximately one-third have been involved in Title I since it began in 1965.

The existence of this core group does not ensure that every program is compliant nor that every locally delivered service is of the highest quality. Rather, it suggests that over the thirteen-year history of the program, there has developed a cadre of committed Title I administrators who have an investment in seeing the program work. This, at least, increases the likelihood that Congressional goals will be achieved.

A final common theme that emerges from the NIE research is the importance of federal administrative activity for the entire Title I program. While federal efforts to administer the program may have some weaknesses, the federal presence has had a formative influence on the ways states and districts implement the program.

Ever since program review visits were initiated in the early 1970s, these USOE program staff monitoring/visits have had an effect on state and district management. Case study data document instances in which noncompliant behavior was modified as a consequence of program reviews. Furthermore, USOE staff have used these trips to

clarify the federal legal framework.

Even more significant in shaping state and district behavior are the audits. As the summary of the case studies on state administration reports, "The HEW audit process is the single most important aspect of the federal role in promoting state attention [to the framework]."[14] In each of the eight case study states, there are instances in which state and/or local practice has been modified because of the concern for possible HEW audit exceptions.

The extent of the impact may be surprising in light of the fact that HEW has not, historically, collected large sums of money from states and districts after findings of audit exceptions. A recent internal HEW study suggests that less than 1 percent of the level of funding identified as misspent through initial audit exceptions has actually been returned to USOE.[15] Yet, as the state administration report suggests:

> All of the states [in the study] seem to be, to some degree, concerned over the embarassment of audit exceptions in their states and are also anxious to avoid the tedious and time-consuming negotiation processes that follow audit exception rulings. . . . Many, if not most, state administrative procedures and policies are structured with [the audit] process directly or indirectly in mind.[16]

Thus, the audit process has had a far-reaching impact although it has not consistently led to the recovery of misspent funds.

NIE data suggest that, in addition to identifying instances of noncompliance, the audits have fostered some unintended consequences. Although the federal Title I legal framework provides considerable flexibility in the design of innovative programs, many districts have been very conservative in their implementation of programs because of their fear of audit exceptions. For example, districts seldom provide summer and after-school programs, and they do not emphasize cultural enrichment activities, or auxiliary services like guidance counselors and nurses because local administrators fear general aid violations. Title I instruction is also likely to be provided to children in separate, "pull-out," classes, in large part because most districts feel that these services are easier to document for the auditors.

Although federal monitoring and enforcement activities have had a substantial impact in all types of districts, they appear to have a special significance for large urban districts. These districts frequently have developed sufficient staff expertise and political strength to withstand pressures from state education offices to modify local practices, if programs are noncompliant.

NIE case study research illustrates that urban districts have successfully withstood state pressure to modify local practice for several years, despite clear evidence of major violations of the Title I regulations. Federal audit findings in these districts, identifying the violations, did create the necessary pressure on district administrators to bring local practice into compliance. In one case, the impact of the audit was aided by simultaneous improvements in the state Title I office, resulting from an unfavorable Program Review team report. Thus, NIE data suggest that program review team visits and audits have been instrumental in altering noncompliant practices.

Data also highlight the fact that monitoring efforts without the application of fiscal sanctions may not be adequate to counteract the intransigence of urban districts. For example, officials in two large urban areas appealed to state officials and to U.S. Congressmen in resisting changes in local district implementation. Because the program reviews did not lead directly to the imposition of fiscal penalties, these programs did not change.

These data underscore the importance of and the impact of federal monitoring and enforcement efforts. Program reviews and especially audits have had a profound effect on Title I, both in correcting clear violations of the regulations and in shaping the way local administrators provide services to Title I children. Furthermore, resistance to program change is most effectively overcome when the likelihood of fiscal penalties is great.

Conclusions

In testifying to the House Subcommittee on Elementary, Secondary, and Vocational Education, the NIE Compensatory Education Study Director, Paul Hill, remarked, "Title I administration is probably better now than at any time since the program was enacted."[17] As he indicated, in the late 1960s Title I funds were frequently used as general aid; now, they are not. In the first few years of the program, according to early assessments, special services were not being provided to Title I children. That is no longer true.

At the federal level, officials have developed a legal framework that is necessary to ensure that intended recipients receive speical, supplemental services. They have also developed a sound mechanism for reviewing the performance of states and districts.

States have carried and will continue to carry the principal responsibilities in program management. We have documented a wide variation in the ways states administer Title I and suggested several plausible explanations for this variation. States differ in the amount of funds available for administration and in the ways they choose to use these monies. Since many of the most effective management strategies are labor intensive, some states have relatively low resources for carrying out these activities. Current legislative proposals would increase the resources for administrative costs; if states choose to use this additional money to increase staff level, NIE research suggests that local district administration could be improved.

This is not to say that there are no flaws in the Title I administration machinery. We have, in fact, identified some of them in preceding pages.

However, as state and local administrators told us unanimously, Title I has been significant in reversing the neglect of the poor and educationally disadvantaged by our nation's schools. In fact, some states and many districts have developed their own special programs for these groups, frequently in response to the Title I lead.

What is more, there are indications that some of the administrative problems are being addressed. USOE has made recent efforts in this direction, and the new legislation reauthorizing Title I promises to further the clarity and precision of the administrative structure.

And yet, Title I is at a crossroad. Despite some recent evidence that some individual programs under certain conditions have been successful in producing significant gains in student achievement,[18] the weight of evidence from past Title I evaluations has not been encouraging;[19] we still feel a lingering concern over whether Title I is having a significant impact on the educational development of large numbers of individual children.

However, it may well be that the federal government has reached its limit in addressing this problem through the

regulatory mechanism. There are federal legislative provisions limiting federal involvement in local educational matters. Also, the Title I program has gone about as far as it can in guiding local service development by mandating a careful and rational planning and evaluation process.

Furthermore, while Title I officials at all three levels of government support the current federal effort to provide direction for program implementation, other officials, including some federal administrators, are calling for a reduced federal presence in Title I. In general, these officials would like to see greater autonomy in state and local planning and a diminished federal direction.

In light of these two factors, federal and state Title I offices will have to give increasing attention to providing local districts with educationally sound technical assistance in order to increase the effectiveness of the programs. This is not to say that existing efforts to ensure that Title I children receive special supplementary services should be neglected. Without vigorous efforts, the success that has been achieved in realizing these guarantees could well be lost. However, increasing attention must now be directed to the quality of local Title I programs.

The USOE has developed a strategy for trying to assist states and districts in improving local services. This consists primarily of efforts to identify and disseminate particularly successful programs.* USOE's National Diffusion Network has been established to better acquaint state and district administrators, including Title I officials, with exemplary programs, such as the Program Information Packages. The Title I office, in addition, makes further efforts to disseminate successful practices to state and local Title I staff. Recent evaluations of some of these USOE efforts suggest that this strategy is having some effect.[20]

However, based on a recent large-scale, three-year study by the Rand Corporation, USOE may need to consider other ways to assist local Title I programs in addition to its present strategy.[21] As preliminary findings from that study suggest, the most effective way of accomplishing significant long-term change in local educational practice is through the direct and active involvement of principals and teachers in articulating the deficiencies of local programs and in planning and implementing solutions to correct them. The Rand Corporation has found that federal efforts to impose solutions have had little long-term impact. These results suggest that improved federal and state technical assistance may need to include new strategies, aimed at strengthening local capacities for planning and developing their own programs.

The Title I statutory declaration of policy states, in part, that Title I is intended to "meet the special educational needs" of educationally deprived children from low-income areas. USOE and the states must give serious attention to finding improved ways of assisting local districts if Title I is to become completely successful in achieving Congress' stated goal.

*USOE also provides technical assistance through regional centers, but this is limited to the area of evaluation.

Notes

1. NIE has published six reports evaluating aspects of the compensatory education program. Single volumes are presently available and a collected volume is in preparation.
2. Peat, Marwick, Mitchell & Co., *A Study of Late Funding of Elementary and Secondary Education Programs*, Washington, D.C.: HEW, 1976.
3. Washington Research Project and NAACP Legal Defense Fund, Inc., *Title I of ESEA: Is It Helping Poor Children?* Washington, D.C., 1969; Michael Wargo, et al., *ESEA Title I: A Reanalysis and Synthesis of Evaluation Data from Fiscal Year 1965 through 1970*, Washington, D.C., HEW, 1972; Peter Briggs, *A Perspective on Change: The Administration of Title I of the Elementary and Secondary Education Act*, Washington, D.C., HEW, 1973.
4. Elizabeth Demarest, *DHEW Sanction Study*, Washington, D.C., HEW, January, 1977.
5. Milbrey W. McLaughlin, *Evaluation and Reform: The Elementary and Secondary Education Act of 1965, Title I* (Cambridge, Mass.: Ballinger Publishing Company, 1975).
6. Joel S. Berke and Michael W. Kirst, *Federal Aid to Education: Who Benefits? Who Governs?* (Lexington, Mass.: Lexington Books, D.C. Heath and Co., 1972); and Peter G. Briggs, *A Perspective on Change: The Administration of Title I of the Elementary and Secondary Education Act*, mimeographed, Washington, D.C., The Planar Corp., October, 1973.
7. The NIE's Study of Administration consisted of four principal studies. The Lawyers' Committee for Civil Rights Under Law surveyed and described the legal framework of ESEA. Additionally, they researched the relationship between ESEA and selected state compensatory programs. Researchers at the Syracuse Research Corporation studied state and local management practices in 8 states and in 32 school districts, and researchers at Booz Allen Hamilton surveyed 46 state Title I offices. Additionally, NIE staff examined aspects of USOE administrative policy.
8. Burnes, Hill, Rotberg, et al., *Administration of Compensatory Education*, NIE, Washington, D.C., September, 1977.
9. *Hearings before the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor of the U.S. House of Representatives, 95th Congress*, First Session, Part 18, Administration of Title I of ESEA, Washington, D.C., GPO, 1978.
10. *Administration of Compensatory Education*, 9-11.
11. *Ibid.*, 11-12.
12. NIE is preparing papers focusing on the role of HEWAA in Title I administration.
13. *Administration of Compensatory Education* 51, 52.
14. Goettel, Kaplan, Orland, et al., *A Study of the Administration of the Elementary and Secondary Education Act, ESEA, Title I in Eight States*, Syracuse Research Corporation, October, 1977, 144.
15. Demarest, *op. cit.*
16. Goettel, et al., *op. cit.*, 148.
17. *Hearings before the Subcommittee*, 6.
18. See *Effects of Services on Student Development*.
19. For a review of some of these, see *Effects of Services*.
20. John Emrick, *Evaluation of the National Diffusion Network*, Menlo Park, Calif., Stanford Research Institute, 1977.
21. Paul Berman and Milbrey McLaughlin, *Federal Programs Supporting Educational Change*, Santa Monica, Calif.: Rand Corp., 1974.